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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

JENNIFER McKINNEY, on behalf of  
KENNETH McKinney,

CV 09-6348-PK

Plaintiff,

OPINION AND ORDER

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security

Defendant.

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REDDEN, Judge:

On February 7, 2011, Magistrate Judge Paul Papak filed Findings and Recommendation (doc. 23) that the court remand this action to the Commissioner for further administrative proceedings.

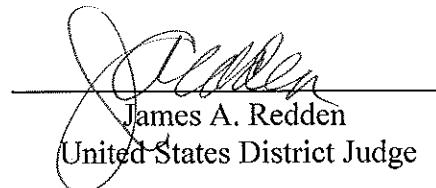
The matter is now before me. See 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(b).

Neither party timely filed objections. This relieves me of my obligation to review Magistrate Judge Papak's factual and legal conclusions de novo. 28 U.S.C. § 636(b)(1)(C); see also Thomas v. Arn, 474 U.S. 140, 149-50 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). Having reviewed the record, I find no error.

Accordingly, I ADOPT Magistrate Judge Papak's Findings and Recommendation (doc. 23), and REMAND this action to the Commissioner for further proceedings consistent with this opinion.

IT IS SO ORDERED.

DATED this 3<sup>rd</sup> day of March, 2011.



James A. Redden  
United States District Judge